



Carleton
UNIVERSITY

HUMAN RIGHTS POLICIES AND PROCEDURES

Approved by:
Board of Governors January 25, 2001
Senate January 26, 2001

Effective Date: May 1, 2001

Updated by Equity Services: September 29, 2010

TABLE OF CONTENTS

Part I

General

Carleton University Statement on Conduct and Human Rights	1
--	---

Part II

Equity Policies

1. Educational Equity Policy	6
2. Employment Equity Policy	8

Part III

Accommodation Policies

1. Statement on Academic Accommodation	11
1.1 Academic Accommodation Policy for Students with Disabilities	12
1.2 Academic Accommodation Policy for Students with Religious Obligations	15
1.3 Academic Accommodation Policy for Students on the Basis of Sex or Family Status: Student Parental Leave	16
2. Statement on Employment Accommodation	18
2.1 Accommodation Policy for Employees with Disabilities	20
2.2 Accommodation Policy for Employee Religious Obligations ...	23
2.3 Accommodation Policy for Employees on the Basis of Sex (Pregnancy): Work Reassignment	24

Part IV

Discrimination and Harassment Policies

1. Anti-Racism and Ethnocultural Relations Policy	26
2. Gender Equality Policy	29
3. Sexual Orientation Equality Policy	33
4. Sexual Harassment Prevention Policy	36

Part V

Procedures

Human Rights Conflict Resolution and Complaints Procedures	39
---	----

Part VI

Systemic Issues

Systemic Human Rights Issues Policy	54
--	----

Part VII

Review

Monitoring, Evaluation and Audit Procedures 56

APPENDICES

1. Designated Complaint Managers with Respect to Formal Complaints of Harassment or Discrimination
2. Guidelines for Investigation of Formal Complaints

PART I

General

CARLETON UNIVERSITY STATEMENT ON CONDUCT AND HUMAN RIGHTS

The University as an Academic Community

1. Carleton University is a community of faculty, staff, students and associated professionals who are engaged in and/or support teaching, learning and research within an environment of education, work and living. The University's members, as part of the community at large, are governed by the law common to all persons.
2. Membership in the University community entails certain rights and responsibilities, including an obligation to deal ethically and fairly with other members and to not discriminate or harass. The University requires civil conduct and respect for the rights of others. It endeavours to provide a safe environment, conducive to personal and intellectual growth, which is not only free of discrimination, injustice and violence but is also characterized by understanding, respect, peace, trust, openness and fairness.
3. We believe that universities have a mandate to foster the pursuit of knowledge and, as our founder, Henry Marshall Tory, said, "the trained intelligence of a nation is its greatest asset, greater than any material resource." A central part of the University's mission is to advance knowledge and scholarship, providing people who have the ability and desire to learn with opportunities to realize their intellectual potential.
4. The University's fundamental commitment to scholarship encourages its members to perform to the highest standards of academic excellence. The University upholds its members' academic freedom so they can carry out their scholarly work without threat of interference.
 - 4.1 Academic freedom is the freedom to examine, question, teach and learn. It involves the right to investigate, speculate and comment without reference to prescribed doctrine, as well as the right to criticize the University and society at large. Academic freedom carries with it the duty to use that freedom in a manner consistent with ethical guidelines and human rights law, and the scholarly obligation to base research and teaching on an honest search for knowledge. It may also be circumscribed by civil and criminal law.
 - 4.2 The frank discussion of controversial ideas, the examination of various or competing perspectives, the pursuit and publication of controversial research, and the study and teaching of material with controversial and even offensive content in the context of conscientious, professional instruction in the University are protected within academic freedom.

Responsibilities of Members of the University Community

5. The University and all members of the University community share responsibility for ensuring that the University's educational, work and living environments are safe and free from discrimination and harassment.

5.1 Members of the University who have supervisory authority over others, or who make or influence decisions regarding members of the University community, bear a particular responsibility in this regard.

5.2 Academic and administrative managers are expected to foster an environment in their area that is free of discrimination or harassment, to not condone or disregard activities within their areas of responsibility that violate or disregard human rights, and to act in a timely, proactive and effective manner if they become aware of any violation of University policies.

Human Rights Protected

6. The University respects the rights of speech and dissent and upholds the right to peaceful assembly and expression of dissent.

7. The University promotes equity and diversity. Every member of the University community has a right to study, work and live in a safe environment free of discrimination or harassment, including sexual harassment.

8. The grounds on which the University strives to provide accommodation and protect against discrimination and harassment include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, political affiliation or belief, sex, sexual orientation, gender identity, age, marital status, family status and disability within the meaning of the *Ontario Human Rights Code*.

8.1 The right to equal treatment without discrimination on the basis of disability includes the University's duty, to the point of undue hardship, to accommodate a person with a disability.

8.2 Occupants of residential accommodation are protected against discrimination and harassment on the basis of receipt of public assistance.

8.3 Employees of the University are protected against discrimination and harassment on the basis of record of offences as provided in the *Code*.

9. Discrimination is understood as a practice or action, whether intentional or not, and based upon prohibited grounds of discrimination, that imposes burdens, obligations or disadvantages on an individual or group that are not imposed on others, or that withholds or limits access to opportunities, benefits and advantages available to other members of the University community.

10. Harassment is understood as engagement in conduct (including innuendo), based on a human rights ground protected in this Statement, that is abusive, demeaning, threatening,

vexatious or intimidating or involves the misuse of authority or power that exceeds the bounds of freedom of expression or academic freedom.

11. Discrimination and harassment can occur on the basis of one or more intersecting human rights grounds; between individuals of the same or different status; between individuals or groups; during one incident or over a series of incidents including single incidents that in isolation would not necessarily constitute harassment or discrimination; and on or off the premises of the University, during or after University hours.

12. The University also recognizes that systemic discrimination (sometimes referred to as a “chilly climate”) may subsist in aspects of the University’s functioning and is committed to addressing systemic human rights issues through inquiry and remedial action as required.

Offences of Misconduct

13. No member of the University community may engage in violent, threatening, disruptive, abusive or obstructive misconduct, including misuse of computing facilities, affecting any activity or service of the University or its members. Consistent with academic regulations, it is an instructional offence for a student registered in a course to disrupt a class or other period of instruction and to persist in the disruptive conduct after being warned by the instructor to discontinue.

14. No member of the University community may engage in conduct that causes another person to fear for his or her safety or the safety of another person known to him or her while on University premises or in the course of activities sponsored by the University, or that causes another person to be impeded in exercising the freedom to participate reasonably in the programs and activities of the University when he or she knows that his or her conduct will cause such fear, or are reckless as to whether his or her conduct causes such fear.

15. Unacceptable conduct includes stalking, repeated following, persistent direct or indirect unwelcome communication, besetting or repeated watching of a place of work, recreation or residence, or threatening conduct including verbal or physical threats directed at the other person or any member of their family, friends or colleagues.

16. No member of the University community may damage, interfere with or misuse property belonging to the University or to its members, including electronically stored information, when such property is on University premises or on other premises during the course of a University-sponsored activity or event.

17. No person other than a peace officer shall possess or use any firearm, weapon or ammunition on the premises of Carleton University without the permission of the President of the University or their designate.

Actions by Individuals who are not Members of the University Community

18. Contractors, their employees and representatives, people who access University services, and visitors to the University, including volunteers, are expected to conduct themselves in any University-related activity in a manner consistent with University policies.

19. Allegations of discrimination, harassment or misconduct against such persons will be dealt with by management as potential breaches of contract and/or may result in suspension of University privileges such as access to campus or University services.

20. Students in co-op placements, exchanges, internships or other work/study placements are also protected from discrimination, harassment and misconduct. The University is committed to providing counselling and educational support as required for students who experience such violations, assisting them in making complaints to the Ontario Human Rights Commission or other appropriate bodies, and may take such other actions against the external placement provider as it deems appropriate.

Equity Services and Education

21. The University is committed to educating administrators in the objectives and implementation of equity, accommodation and non-discrimination policies, including training programs that assist in handling or preventing problems, ensuring that all of its members are aware of the nature of discrimination and harassment and providing support and counselling for those affected by discrimination and harassment.

22. The University is committed to maintaining an Equity Services Office with the capacity to effectively serve the needs of the University community. Staff of that office (referred to as Equity Advisors) will be provided with appropriate training and the institutional support and assistance required to discharge their responsibilities.

University Policies and Procedures

23. A number of specific University policies and procedures (including regulations for instructional offences, personnel policies, computer usage policies, and human rights policies) further articulate these commitments of the University. Where there is no specific policy, a request for action or complaint may be initiated pursuant to this Statement.

24. These policies and procedures operate in conjunction with provisions in collective agreements and provincial employment and human rights legislation. Using University policies and procedures does not preclude a complainant from instituting criminal or civil proceedings, a grievance, or a complaint to the Ontario Human Rights Tribunal.

25. A person who believes he or she has been discriminated against or harassed on a human rights ground specified in this Statement may make a request for action or initiate a complaint pursuant to the *Human Rights Conflict Resolution and Complaint Procedure*. Allegations of instructional offences are handled as specified in the University Calendar. Offences of misconduct are handled by the appropriate University office or University Safety.

PART II ***EQUITY POLICIES***

II.1 EDUCATIONAL EQUITY POLICY

Preamble

This policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, sections 1, 5 and 14 of the *Ontario Human Rights Code*, and the University's *Statement on Conduct and Human Rights*.

Principles

1. Carleton University is committed to excellence in teaching, scholarship and research and to providing equity in its educational programs and services.
2. The University strives to provide the best possible educational experience for all of its students and to encourage and assist all students to succeed academically and as members of the University community.
3. The commitment to provide educational equity extends to members of disadvantaged groups as outlined in the University's *Statement on Conduct and Human Rights*, and includes international students within these categories.

Policy

4. Carleton University is committed to identifying University policies, programs and services that need to be changed, enhanced or created (subject to the availability of resources) in order to:
 - 4.1 Increase the access, retention and graduation of groups of students who have traditionally been under-represented, underserved and/or disadvantaged in University programs; and
 - 4.2 Provide and maintain a supportive, hospitable and welcoming educational environment for all students, faculty, staff and associated professionals in the University.
5. The University is committed to providing accommodation on human rights grounds to students to the point of undue hardship (considering cost, outside sources of funding, if any, and health and safety requirements) and to implementing special measures as required to achieve the University's educational equity goals.
6. The University undertakes to provide education and training to faculty, staff and students on human rights issues as these relate, *inter alia*, to curriculum and pedagogy.

Implementation

7. It is the responsibility of the Offices responsible for admission, student services and academic planning to coordinate on matters related to education equity under the direction of Senate, assisted by the Senate Committee on Educational Equity, which reports each year to Senate.

8. Equity Services and any other units responsible for pedagogical support are responsible for coordinating education and training (in consultation with individual units as appropriate) as specified in this policy.

9. As applicable, education equity indicators shall be built into the components considered in formal, internal assessment of programs and academic and administrative units.

Problem Solving

10. Anyone who has a concern related to implementation of this Policy may bring it in writing to the Senate Committee on Educational Equity.

II.2 EMPLOYMENT EQUITY POLICY

Preamble

This Policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, to sections 1, 5 and 14 of the *Ontario Human Rights Code*, the Federal Contractors Program, provincial employment legislation, including the *Employment Standards Act* and the *Labour Relations Act*, the University's collective agreements with its bargaining units, and the University's *Statement on Conduct and Human Rights*.

Principles

1. Carleton University is committed to providing equity in employment (including pay equity) and maintaining a supportive, hospitable and welcoming employment environment for all individuals.
2. The University is committed to achieving and maintaining a diverse workforce and to initiating special measures as required to ensure full participation and advancement of employees in groups that have traditionally been under-represented, to enable them to compete for positions and work with others on an equal basis.
3. The groups designated for measurement of employment equity include women, Aboriginal peoples, persons with disabilities, racialized or visible minorities, and such other groups as may be agreed from time to time by the University and its bargaining units or designated by legislation.
4. The University is also committed to providing accommodation on human rights grounds to employees to the point of undue hardship (considering cost, outside sources of funding, if any, and health and safety requirements) to enable them to perform the essential duties of their job.

Policy

5. The primary criterion for appointment to positions at the University is academic, professional, administrative or technical excellence as applicable. No candidate shall be recommended for appointment who does not meet the criteria for the appointment in question. The best available candidate should be hired, regardless of membership in a designated group.
6. Where the qualifications of two candidates for appointment are demonstrably equal, and one of these candidates is a member of a group that is under-represented in continuing appointment positions in a unit, then, all else being equal, the candidate of the under-represented group should be offered the position.

7. The University undertakes to use search procedures that require an active search for qualified members of under-represented groups.
8. Appointment or search committees are required to hold a familiarization and training session, conducted by Equity Services or Human Resources, that covers the guidelines, principles, objectives, recent history, best practices, and rules and institutional expectations with respect to employment equity. Committees may also designate one member to have specific responsibility for employment equity; that person may request additional in-depth training to assist him or her in this role.
9. In the evaluation of candidates for appointment, confirmation, renewal, tenure and promotion, the criteria adopted must not systematically discriminate against members of designated groups and shall be reviewed periodically by deans and directors to ensure that the criteria do not undervalue work that is done predominantly by members of the designated groups. Committees are required to take special care not to eliminate at early stages potentially strong candidates who are members of designated groups.
10. The University undertakes to identify and remove any discriminatory policies and practices found in the recruitment, selection, transfer, promotion, performance appraisal, training, career development, compensation, benefits, termination and working conditions of employees in all levels and categories of employment.

Implementation

11. The President of the University has primary responsibility for the University's employment equity program. The vice-presidents (Office of Provost and Vice-President Academic; Finance and Administration), assisted by their deans and directors, are responsible for implementing steps in the employment equity program.
12. Implementation of employment equity is at the University level and the unit level. A unit is defined as a recognized grouping having primary responsibility to generate recommendations for appointment into positions.
13. In designing and implementing employment equity, University management shall coordinate and cooperate with bargaining units on campus through joint union management committees. Management and unions should also consult with the Office of Equity Services and university or community organizations that represent the target groups of any program. Such representatives may be invited to participate in the work of such committees.
14. The terms of the employment equity plan for the University are to be provided to the bargaining units on campus by Equity Services and the Human Resources Department and may be incorporated as applicable into the relevant collective agreements with agreement of management and the bargaining unit. The plan should also be available in the Office of the President for consultation by any member of the University community.

15. Current documentation and guidelines on employment equity are to be provided to deans and directors, chairs and directors of schools, and unit heads by Equity Services. Training on related human rights issues shall be provided to these individuals at least bi-annually by the Human Resources Department and the Office of Equity Services, in consultation with any officer of the University responsible for employment equity. The University will also provide ongoing education and training to all employees on human rights issues.

16. For the purposes of implementing this policy, under-representation of designated groups will be assessed using the latest employment equity National Occupational Classification (NOC) data on external availability as the benchmark where appropriate. With the assistance of the Office of Institutional Research and Planning, the University will undertake assessment on a regular basis of the representation of target groups in its workforce by carrying out a workforce analysis, comparing representation levels in the University with relevant external data, determining under-representation, and establishing goals, timetables and methods for increasing representation.

17. Employment equity considerations are to be incorporated into employment systems review and process redesign initiatives.

Problem Solving

18. Anyone who has a concern related to implementation of this Policy may bring it in writing to the Equity Policy Committee.

PART III

ACCOMMODATION POLICIES

III. 1. ACADEMIC ACCOMMODATION

Statement on Academic Accommodation

1. Carleton University is committed to providing access to the educational experience in order to promote academic accessibility for all individuals.
2. Academic accommodation policies are one of the ways in which the University implements its Educational Equity Policy and its commitment to sections 11 and 17 of the *Ontario Human Rights Code*, which requires the University in the provision of services (including education) to accommodate individuals on human rights grounds to the point of undue hardship considering the cost, outside sources of funding, if any, and health and safety requirements, if any.
3. Academic accommodation refers to educational practices, systems and support mechanisms designed to accommodate diversity and difference. The purpose of accommodation is to enable students to perform the essential requirements of their academic programs. At no time does academic accommodation undermine or compromise the learning objectives that are established by the academic authorities of the University.
4. Academic accommodation is assessed and provided on an individual basis. The University is committed to maintaining confidentiality to the greatest extent possible when providing academic accommodation and related support services to students.
5. Carleton University endeavors, within the parameters of its mandate as a secular institution, to provide appropriate space for religious or spiritual observance considered integral to a holistic learning environment and, in particular, the University acknowledges the central importance of traditional, cultural and spiritual practices of Aboriginal peoples in sustaining for them the educational vitality of the institution.
6. The University recognizes that students with infectious illnesses have the right to pursue those activities that their medical condition and public health allow, including continuing to study. The University does not tolerate discrimination, stigma or harassment on the basis of infectious illness, including HIV/AIDS. Individuals with infectious illness are encouraged to inform University Health and Counselling Services in order that support and accommodation can be arranged as required.
7. The terms of the Academic Accommodation Policies are kept under review by the Senate Committee on Educational Equity.

III.1.

1. Academic Accommodation Policy for Students with Disabilities

Principles

1. Carleton University is committed to providing access to the educational experience and accommodation to the point of undue hardship in order to promote academic accessibility for individuals with identified and duly assessed disabilities. The University encourages applications from students with those disabilities within the meaning of the *Ontario Human Rights Code*, including visual, hearing, communication and mobility impairments and learning and other non-visible disabilities.
2. The University affirms its commitment to the physical accessibility of the Carleton campus, and to the assessment of academic accommodation for students with disabilities in order to maintain its leadership among the province's educational institutions in implementing accessibility.
3. The Paul Menton Centre for Students with Disabilities (PMC) is the designated unit at the University for assisting the Carleton community in integrating persons with disabilities into all aspects of Carleton's academic and community life. The PMC provides assessment of academic accommodation, advises students on strategies to open a dialogue with instructors and acts as consultant, facilitator, coordinator and advocate in this area for all members of the University community.
4. The University promotes efforts to accommodate students with disabilities so that they can meet the learning objectives of courses they are taking and be fairly evaluated in their performance.

Policy

5. In order to secure appropriate academic accommodation, students with disabilities are responsible for identifying their individual needs to the PMC in such a manner as to facilitate an appropriate response from the University.
6. Academic accommodation is assessed and provided on an individual basis. Limitations that are traditionally attributed to a particular disabling condition cannot, and should not, be generalized. The University is committed to maintaining confidentiality to the greatest extent possible when providing academic accommodation and related support services to students.
7. Students with disabilities who request academic accommodation must provide the PMC with relevant professional supporting documentation as determined by the University, generally from a regulated health professional practitioner (e.g., a physician, psychiatrist, clinical psychologist). The documentation must include a statement that the individual has an ongoing, recognized disability that requires academic accommodation.

Students with learning disabilities must provide a summary of the results of a complete psycho-educational assessment conducted by an appropriate registered psychologist. All documentation must be current.

8. Once students with disabilities identify their individual needs for academic accommodation, PMC staff members assess the appropriateness of the student's requests, then formally recommend appropriate means of academic accommodation by means of a "Letter of Accommodation."

9. A student with a "Letter of Accommodation" should meet with each of their instructors as soon as possible to discuss the academic accommodations recommended and to reach an agreement on an appropriate accommodation for that course. The instructor may contact PMC for further consultation as needed.

10. A student suffering from a serious, disabling illness may request a period of leave from their studies, initially of up to one year or three academic sessions. The parameters and procedures to be followed are those set out in "Student Parental Leave," (sec.III.3) with the necessary adjustments.

Implementation

11. Members of faculty and instructional staff, supported by administrative staff, share the University's responsibility under the *Ontario Human Rights Code* for academic accommodation of students with disabilities. This policy encourages dialogue between instructors and students as to how the needs of individuals can be accommodated within the terms of legislation and current University guidelines in the area. All such dealings require mutual understanding and respect from the parties involved in the accommodation process.

12. PMC is responsible for coordinating the provision of comprehensive and professional services necessary to respond to the needs of students with disabilities. It is responsible for assessing the needs for academic accommodation of students with disabilities through assessments that are carried out on an individual basis, in accordance with related legislation, and on the basis of relevant professional/medical documentation, information gathered from the student, and evaluation by PMC staff.

13. Practices and procedures in the process of accommodation are available from the PMC.

Appeal Process

14. In cases regarding academic accommodation of students with disabilities, any dispute unresolved by discussion between the student and instructor may be appealed first to the Department Chair or School Director and thereafter to the Dean of the Faculty in which the student is registered. The appeal process is intended to comply with the existing academic appeal mechanism and procedures of the University.

III.1.

2. Academic Accommodation Policy for Student Religious Obligations

Principles

1. Carleton University accommodates students who, by reason of religious obligation, must miss an examination, test, assignment deadline, laboratory or other compulsory academic event.

Policy

2. Students requesting academic accommodation on the basis of religious obligation should make a formal, written request to their instructor(s) for alternative dates and/or means of satisfying requirements. Such requests should be made during the first two weeks of any given academic term, or as soon as possible after a need for accommodation is known to exist, but in no case later than second-last week of classes in that term.

3. When a student's presence is required prior to the date on which classes begin (e.g., for field trips), any student who cannot meet this expectation of attendance for reasons of religious obligation should notify their Instructor in advance.

Implementation

4. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodation in a way that avoids academic disadvantage to the student.

5. Students or instructors who have questions or wish to confirm the eligibility of a religious event or practice should contact Equity Services.

Appeal Process

6. In cases regarding academic accommodation of students on the basis of religious obligation, any dispute unresolved by discussion between the student and instructor may be appealed, first to the Department Chair or School Director and thereafter to the Dean of the Faculty in which the student is registered. The appeal process is intended to comply with the existing academic appeal mechanism and procedures of the University.

III.1

3. Academic Accommodation Policy for Students on the Basis of Sex or Family Status: Student Parental Leave

Principles

1. The Student Parental Leave Policy is intended to recognize the need for leave at the time of a pregnancy, birth or adoption and to permit a pause in studies in order to provide full-time care in the first year of parenting a child or for health-related parental responsibilities.

Policy: Graduate Students

2. Either parent may request up to three terms of leave, which must be completed within 12 months of the date of birth or custody or request for leave for health-related family responsibilities. Where both parents are Graduate students seeking parental leave, the total number of terms of leave may not exceed four.
3. While on parental leave, Graduate students do not register or pay fees to Carleton University. Students on parental leave who wish to make use of library, e-mail, Carleton Central, or other university facilities or consult their supervisor or other faculty members should consult the Dean of their Faculty or the Dean of Graduate and Postdoctoral Affairs.
4. Graduate students on parental leave are not eligible to receive fellowship or scholarship support from Carleton University but they may defer their fellowships or scholarships until they return from leave. In the case of other fellowships or scholarships, the regulations of the particular granting agency will apply. Teaching and research assistantships are subject to the provisions of the CUPE 4600 Collective Agreement.
5. The terminal date of the degree program in which the Graduate student is registered will be extended by the duration of the parental leave taken. Normally, the start and finish of the leave will coincide with the beginning and end of a term.

Policy: Undergraduate Students

6. No formal application for parental leave is required by undergraduate students unless the absence is expected to extend beyond 9 terms or 3 years. Undergraduate students are permitted to be absent from studies, for any reason, for a period of 9 consecutive terms and will not be removed from their degree program during this time period. Degree students who have been away from the university for more than nine consecutive terms must apply for readmission through Admission Services.

Note: students registered in an Honours project should contact their honours supervisor before taking a leave of absence.

Implementation

7. Graduate students may apply for parental leave in writing to the Graduate Registrar's Office of the Dean of Graduate and Postdoctoral Affairs. Appropriate documentation (e.g., medical and/or legal) must be attached.

8. Special needs or circumstances not covered by the terms of the Policy should be brought to the attention of the Faculty Dean to facilitate appropriate resolution.

9. Where a continuing student (graduate or undergraduate) who is pregnant requires a temporary modification of the conditions of her academic program (e.g., laboratory or field work) that can be accommodated without compromising the integrity of her overall program of studies, every reasonable effort to the point of undue hardship will be made to accommodate her, in consultation between the student and her instructor or supervisor, if necessary assisted by the Department Chair or School Director and/or Faculty Dean. Equity Services may also be consulted and provide advice and assistance.

Appeal Process

10. In cases regarding academic accommodation of students (graduate or undergraduate) on the basis of sex or family status, any dispute unresolved by discussion between the student and instructor may be appealed first to the Department Chair or School Director and thereafter to the Dean of the Faculty in which the student is registered. The appeal process is intended to comply with the existing academic appeal mechanism and procedures of the University.

III. 2. EMPLOYMENT ACCOMMODATION

Statement on Employment Accommodation

1. Carleton University is committed to providing access to employment so that no individual experiences reduced access to employment opportunities or benefits on the basis of their membership in a group for which human rights protection is provided.
2. Employment accommodation policies are one of the ways in which the University implements its Employment Equity Policy and its commitment to sections 11, 17 and 24 of *Ontario Human Rights Code*, which requires the University, as an employer, to accommodate employees on the basis of human rights grounds to the point of undue hardship considering the cost, outside sources of funding, if any, and health and safety requirements, if any.
3. The purpose of employment accommodation is to enable employees to perform the essential requirements of their jobs. The University strives to accommodate both employees and job applicants in a way that respects their dignity, is equitable, and enhances their ability to compete for jobs, perform their work, and fully participate in employment at Carleton. Accommodation is viewed as a protection of human rights.
4. Employment accommodation refers to employment practices, systems and support mechanisms designed to accommodate diversity and difference. Accommodation may mean making changes to the working environment to allow for the most efficient use of an employee's skills in order that the essential requirements of the job may be met. The period of accommodation may be temporary or permanent, depending on the particular circumstances.
5. Employment accommodation is assessed and provided on an individual basis. The University is committed to maintaining confidentiality to the greatest extent possible when providing accommodation and related support services to employees.
6. The University recognizes that employees with infectious illnesses have the right to pursue those activities that their medical condition and public health allow, including continuing to work. The University does not tolerate discrimination, stigma or harassment on the basis of infectious illness, including HIV/AIDS. Individuals with infectious illness are encouraged to inform University Health Services and/or their manager in order that support and accommodation can be provided as required.
7. The test for undue hardship is assessed at the corporate level, not the departmental level. Thus, in most cases that may arise at the University, there will be a requirement that the employee be accommodated, provided that he or she can perform the essential duties of the job.
8. Both the employing work unit and the central administration of the University have a role in providing accommodation to employees; managers and supervisors share the

University's responsibility in implementing this policy. For record-keeping and reporting purposes, units are asked to notify both the Human Resources Department and Equity Services of all accommodations made.

9. The terms of the Employment Accommodation Policies are kept under review by the Equity Policy Committee.

III.2.

1. Accommodation Policy for Employees with Disabilities

Policy

1. Carleton University encourages applications from individuals with disabilities included within the meaning of the *Ontario Human Rights Code*, including visual, hearing, communication and mobility impairments and learning and other non-visible disabilities. Information to applicants and interview candidates should signal that the University is prepared to accommodate disabilities in the selection, testing and interview process and identify whom the applicant should contact for the necessary arrangements to be made.
2. In order to secure appropriate accommodation, employees with disabilities are responsible for identifying their individual needs to their manager and (assisted as appropriate by the employee's bargaining agent) working with the manager to develop and implement an accommodation plan.
3. Employees with disabilities who request accommodation must provide their manager with relevant professional supporting documentation as determined by the University, generally from a regulated health professional practitioner (e.g., a physician, psychiatrist, clinical psychologist). The documentation must include a statement that the individual has an ongoing, recognized disability that requires accommodation and must specify the resulting limitations to the performance of the employee's job. The University has a right to request a separate medical opinion.
4. If needed to clarify the accommodation requested or the adjustment in work tasks, the employee must be willing to sign a consent to release to the Human Resources Department, at Carleton University, relevant accommodation information for the disabling condition in question.

Implementation

5. This policy encourages dialogue between managers and employees as to how the needs of individuals can be accommodated within the terms of the legislation and current University guidelines in the area. All such dealings require mutual understanding and respect from the parties involved in the accommodation process.
6. Employment accommodation is assessed and provided on an individual basis. For example, limitations that are traditionally attributed to a particular disabling condition cannot, and should not, be generalized. The University is committed to maintaining confidentiality to the greatest extent possible when providing accommodation and related support services to employees.
7. The Manager is responsible for identifying the essential duties of the employee's job. If the employee can perform the essential duties of the job, arrangements must be made

for appropriate accommodation. Examples of possible accommodation are appended to this Policy.

8. If a Manager determines that an employee cannot perform the essential duties of the job, he or she must consult the Assistant Vice-President (Human Resources) and the Director of Equity Services before taking any action. Furthermore, the employee may request that their bargaining unit be notified and a representative of the union participate in discussions related to this issue.

9. Where possible, the employing work unit is expected to carry the cost of any accommodation. If the employing work unit is unable to carry the cost of the accommodation, the Chair or Director or the unit manager will contact the relevant Resource Planning Committee (RPC) for funding. If costs are beyond the ability of the RPC to carry, the RPC Chair can apply to the Vice-President (Finance and Administration) for funding of the accommodation.

Problem Solving

10. The parties involved may seek advice at any time from Equity Services and/or the Human Resources Department, which may also provide assistance for communicating the situation to others in the workplace.

11. While every effort will be made to provide accommodation, there may be times when it is not possible to do so. If managers conclude that they cannot accommodate an employee's request for accommodation, they will meet and discuss the situation with the Assistant Vice-President (Human Resources) and the Director of Equity Services.

Examples of Accommodation of Individuals with Disabilities

To provide some guidance, the following are given as examples of the types of accommodation that could be provided, subject to cost, outside sources of funding, if any, and health and safety requirements, if any:

Work station modifications: specialized or adjustable furniture, signs with raised or Braille lettering, modified lighting, flashing signals, and handrails;

Job redesign: the reassignment of duties or the restructuring of job tasks for both the person with a disability and coworkers;

Employment policy and practice modifications: flexible or part-time hours;

Technical aids and devices: environmental control units (e.g., remote control to open and close doors, operate lights), hoists, grips, technical devices for the deaf, infrared systems, FM broadcast systems, Braille computer printers, optical character recognition systems, keyboard adaptations and the training and technical support required to use technical aids and devices and ergonomic furniture;

Building modifications: ramps, retrofitted washrooms, elevators with audio signals, lowered elevator panels, automatic doors, visual-display alarm systems, suitable designated parking spaces;

Accessible transportation: for employment-related activities that are held outside of the place where work is routinely performed;

Communication services: captioning, sign language interpreters, in-meeting notetakers, personal FM systems, transcription services from print to alternate formats (audio tape, Braille or computer disk);

Human support services: personnel provided to assist in accommodation.

III.2.

2. Accommodation Policy for Employee Religious Obligations

Principles

1. Carleton University accommodates employees who, by reason of religious obligation, must miss work for all or part of a day.
2. Where reasonably feasible, managers should make scheduling or other arrangements (e.g., flex-time) so that employees do not lose pay in order to meet their duly requested religious obligations. In the event leave is required, while there is an obligation to provide duly requested religious accommodation, it may not always be possible to provide paid leave. Whether an employee is entitled to paid leave for the purpose of meeting their religious obligations will depend upon their employment status and the terms and conditions applicable to their relevant employee group.

Implementation

3. Employees who seek religious accommodation must give at least five days' notice to their supervisor. In the case of emergency or unusual circumstances, every reasonable effort will be made by the supervisor to accommodate requests made with fewer than five days' notice, but approval of leave in this circumstance is not assured.
4. Employees or supervisors who have questions or wish to verify the eligibility of the religious event or practice involved should contact the Equity Services.
5. This policy encourages dialogue between managers and employees as to how the needs of individuals can be accommodated within the terms of the legislation and current University guidelines in the area. All such dealings require mutual understanding and respect from the parties involved in the accommodation process.

Problem Solving

6. The parties involved may seek advice at any time from Equity Services and/or the Human Resources Department, which may also provide assistance for communicating the situation to others in the workplace.
7. While every effort will be made to provide accommodation, there may be times when it is not possible to do so. If managers conclude that they cannot accommodate an employee's request for accommodation due to religious obligation, they will meet and discuss the situation with the Assistant Vice-President (Human Resources) and the Director of Equity Services.

III.2

3. Accommodation Policy for Employees on the Basis of Sex (Pregnancy): Work Reassignment

Principles

1. The procedures set out in this policy are intended to provide the opportunity for employees to continue to work when faced with a pregnancy that renders them temporarily incapable of performing their regular duties.
2. A pregnancy work reassignment is a temporarily modified work assignment wherein an employee is pregnant and, barring medical complications, will return to her normal duties. The Policy for Work Reassignment Due to Pregnancy is intended to recognize situations where a pregnant employee's safety or the safety of others may be in jeopardy should she continue to perform her regularly assigned duties.
3. The terms of pregnancy and parental leave available to employees are as contained in applicable provincial legislation and/or collective agreements or the University Personnel Policy.

Policy

4. Managers will make every effort to accommodate an employee's request for a pregnancy work assignment for a reasonable time where possible and feasible within the department.
5. Dialogue is encouraged between managers and employees as to how the needs of individuals can be accommodated within the terms of the legislation and current University guidelines in the area. All such dealings require mutual understanding and respect from the parties involved in the accommodation process.

Implementation

6. An employee seeking work reassignment due to pregnancy must submit a written request for a pregnancy work assignment to her immediate supervisor. The request must be accompanied by a physician's recommendation that specifies work limitations if work continues in the present environment and defines the duration of the requested accommodation.
7. If needed to clarify the accommodation requested or the adjustment in work tasks, the employee must be willing to sign a consent form to release, to the Human Resources Department at Carleton University, relevant accommodation information for the pregnancy.

8. Upon acceptance of the request, managers will prepare, in writing, a plan for alternate or modified duties that the employee can reasonably perform, given their medical assessment.

9. Any requests for extensions of the work assignment due to pregnancy must be made in writing and accompanied by new medical documentation.

Problem Solving

10. The parties involved may seek advice at any time from Equity Services or the Human Resources Department, which may also provide assistance for communicating the situation to others in the workplace

11. While every effort will be made to provide accommodation, there may be times when that is not possible. If managers conclude that they cannot accommodate an employee's request for accommodation, they will meet and discuss the situation with the Assistant Vice-President (Human Resources) and the Director of Equity Services.

PART IV
DISCRIMINATION AND HARASSMENT POLICIES

IV.1 ANTI-RACISM AND ETHNOCULTURAL RELATIONS POLICY

Preamble

This Policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, sections 1, 5 and 11 of the *Ontario Human Rights Code*, and the University's *Statement on Conduct and Human Rights*.

Principles

1. Carleton University affirms the racial and ethnocultural diversity of its faculty, staff, and students as a source of human excellence, cultural enrichment and social strength. The University is committed to fostering this diversity. The University recognizes that a harmonious racial and ethnocultural climate is essential to the academic, professional and personal development of its members.
2. The University acknowledges its ongoing responsibility to develop and support a responsive and open environment that is ethnoculturally and racially sensitive; to promote anti-racism; and to create a study, work and living environment that is free of racial discrimination and harassment. Racist behaviour denigrates its victims, brings dishonour to the perpetrator, disrupts the academic community as a whole, and diminishes the stature of the University.
3. The University recognizes that racialized and ethnocultural groups can encounter barriers to full participation in education and employment on the basis of race and ethnicity. The University is committed to eliminating such barriers by providing equal opportunity and equitable treatment for faculty, staff, students and associated professionals of all races and ethnocultural origins.

Policy

4. Every member of the Carleton University community has the right to study, work and live in a safe environment free of racial discrimination and harassment.
5. The University abhors racism or any manifestations of racial intolerance or discrimination and does not tolerate or condone racism or negative racial stereotyping between racialized and non-racialized groups or between racialized groups. The University is committed to preventing such behaviours and practices and promoting an anti-racist culture through ensuring that racial diversity is taken into account in decision making; addressing policies and practices that, while not intentionally discriminatory, have a discriminatory effect; and educating and informing all members of the University community on issues associated with race and ethnocultural relations, racism and racial harassment.

6. The University prohibits discrimination and harassment, including conduct on the basis of race, creed, ancestry, place of origin, colour, ethnic origin and citizenship that:

6.1 Is abusive, demeaning or threatening, including behaviour such as name calling; derogatory remarks, gestures and physical attacks; or display of derogatory or belittling pictures and graffiti; or

6.2 Biases administrative and appointment decisions, employment and workplace practices, tenure, promotion, appointment, leave, and salary determinations; or

6.3 Biases academic decisions such as admission, grading, the application of regulations and requirements and scheduling of academic activities; or

6.4 Misuses power, authority or influence; or

6.5 Discriminates in the provision of goods and services or access to premises, accommodation and other facilities.

Implementation

7. The Office of Equity Services is responsible for the effective implementation of this policy. Equity Advisors, have a broad mandate to monitor and provide information, education, training and advice on all aspects of this policy. The Equity Advisor(s) maintain an impartial stance in addressing complaints of racial discrimination and harassment. The expertise and experience of members of the Equity Services unit is available to all persons who are involved with a complaint under the University's Human Rights Policies and Procedures.

Problem Solving

10. A person who believes they have been discriminated against on the basis of race or racially harassed may initiate a request for action or complaint through the Human Rights Conflict Resolution and Complaint Procedure. Discrimination and harassment can occur on the basis of one or more intersecting human rights grounds.

Definitions

Race

The term "race" is used in the manner in which it is used in the *Ontario Human Rights Code*. For the purposes of this Policy, "race" should be read to include race, ancestry, place of origin, colour, ethnic origin, and citizenship.

Ethnocultural Group

An ethnocultural group is a human population that sees itself, or is seen by others, as distinctive in its way of life or ethnic origin.

Racism

Racism is more than personal prejudice; it involves carrying into effect one's prejudices, resulting in discrimination, inequity and/or exclusion. Racism is understood as the negative valuing and discriminatory treatment of individuals and groups on the basis of their race. Racism can be manifested in both personal attacks and insults and in the structure of social institutions. It can be expressed in the behaviour of individual members of the University community and in the policies, procedures and practices of the University. There is a distinction between personal racism (insults, harassment and discrimination directed at individuals) and institutional or systemic racism (the conventional practices or structures of institutions that have the effect of excluding, or discriminating against, individuals or groups). Racism can be present in hostile acts, as well as in apparently neutral arrangements. It can be the result of activities or arrangements that set out to discriminate or harm, or it can result from ignorance or inadvertence. Thus, racism can be intentional or unintentional; it may be detected by its effects.

Anti-Racism

Anti-racism refers to actions and discourses that contribute to the elimination of racism in all its forms.

Racial Harassment

Racial harassment is harassment directed at a person or group on the basis of race. It includes physical assault or interference; inappropriate display or transmission of material or graffiti that is racist, ethnic or religious in a demeaning manner; as well as racist jokes, anecdotes, slurs (including racially derogatory nicknames) or comments—insulting, demeaning or derogatory toward a person because of race—that are obviously offensive or continue after the speaker is informed that the comments are unwelcome and/or have caused offense.

IV.2 GENDER EQUALITY POLICY

Preamble

This Policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, sections 1, 5 and 11 of the *Ontario Human Rights Code*, and the University's *Statement on Conduct and Human Rights*.

Statement of Principles

1. Carleton University affirms the sex and gender equality of all individuals in the University community. Gender equality among faculty, students, staff and associated professionals is a source of human excellence, cultural enrichment and social strength. The University recognizes that a harmonious climate in relation to gender is essential to the academic, professional and personal development of its members.
2. The University acknowledges its ongoing responsibility to develop and support a responsive and open environment that is gender inclusive and responsive; to promote anti-sexism; and to create a study, work and living environment that is free of discrimination and harassment on the basis of sex, gender or gender identity.
3. As noted in the 1995 *Federal Plan for Gender Equality*, "attaining sex equality demands a recognition that current social, economic, cultural and political systems are gendered; that women's unequal status is systemic; that this pattern is further affected by race, ethnicity and disability; and that it is necessary to incorporate women's specificity, priorities and values into all major social institutions." Carleton University is committed to the objective of ensuring sex and gender equality in the University community and eliminating sex and gender discrimination and gender harassment. Recognizing the systemic discrimination to which women have been subjected in the past, the University is committed to improving the status of women in the University to achieve sex and gender equality.

Policy

4. Every member of the Carleton University community has the right to study, work and live in an environment free of discrimination or harassment on the basis of sex, gender, or gender identity.
5. The University does not tolerate or condone sexism or negative gender stereotyping and is committed to achieving the prevention of such behaviours and practices and promoting an anti-sexist culture through ensuring that women are included in decision-making positions; addressing policies and practices that, while not intentionally discriminatory, have a discriminatory effect; and educating and informing all members of the University community on issues associated with sex, gender and gender identity.

6. The University prohibits discrimination and harassment, including conduct on the basis of sex, gender or gender identity that:

- 6.1 Is abusive, demeaning or threatening, including behaviour such as name calling; derogatory remarks, gestures and physical attacks; or display of derogatory or belittling pictures and graffiti; or
- 6.2 Biases administrative and appointment decisions, employment and workplace practices, tenure, promotion, appointment, leave and salary determinations; or
- 6.3 Biases academic decisions such as admission, grading, the application of regulations and requirements and scheduling of academic activities; or
- 6.4 Misuses power, authority or influence; or
- 6.5 Discriminates in the provision of goods and services, or access to premises, accommodation and other facilities.

Implementation

7. The Office of Equity Services is responsible for the effective implementation of this policy. Equity Advisors have a broad mandate to monitor and provide information, education, training and advice on all aspects of this policy. The Office does not advocate for any individual or group and maintains an impartial stance in addressing complaints of sexual discrimination and gender harassment. The expertise and experience of members of Equity Services are available to all persons who are involved with a complaint under the University's Human Rights Policies and Procedures.

Problem Solving

10. A person who believes they have been discriminated against on the basis of sex, gender or gender identity, or harassed on this basis, may initiate a request for action or complaint through the Human Rights Conflict Resolution and Complaint Procedure. Discrimination and harassment can occur on the basis of one or more intersecting human rights grounds.

Definitions

Gender / Sex

According to Fowler (3rd Edition), the term gender has come into more frequent usage “with the intention of ‘emphasizing the social and cultural, as opposed to the biological, distinctions between the sexes’ (OED, 2).” The draft *1995 Commonwealth Plan for Action on Gender and Development* (Commonwealth Secretariat) commented “‘gender’... is used sometimes indiscriminately to describe different things at different times. Sometimes it means ‘women’, sometimes ‘sex’ and sometimes more precisely ‘gender’... Gender refers not to men and women, but to the relationship between them and to the ways in which the roles of women and men, girls and boys, are socially constructed...” (as quoted in the *Federal Plan for Gender Equality* (1995). This policy freely shifts between the terms meaning to address both discrimination and harassment based on biological distinctions and that based on socially or constructed distinctions or roles as they affect the two sexes.

Gender Harassment

Not all harassment is sexual harassment. An individual can be harassed because she is a woman or because he or she transgresses gender roles, and so forth. The concept of “gender harassment” is meant to permit redress where a person is harassed on the basis of his or her gender but the conduct is not sexual or does not take place in a sexual context. Gender harassment would include physical assault or interference; inappropriate display or transmission of gender-degrading material or graffiti; as well as sexist jokes, anecdotes, slurs (including gender-derogatory nicknames) or comments—insulting, demeaning or derogatory toward a person because of gender—that are obviously offensive or continue after the speaker is informed that the comments are unwelcome and/or have caused offense.

Sexism

Sexism is more than personal prejudice; it involves carrying into effect one's prejudices, resulting in discrimination, inequity and/or exclusion. Sexism is understood as the negative valuing and discriminatory treatment of individuals and groups on the basis of their sex. Sexism can be manifested in both personal attacks and insults and in the structure of social institutions. It can be expressed in the behaviour of individual members of the University community and in the policies, procedures and practices of the University. There is a distinction between personal sexism (insults, harassment and discrimination directed at individuals) and institutional or systemic sexism (the conventional practices or structures of institutions that have the effect of excluding or discriminating against individuals or groups). Sexism can be present in hostile acts, as well as in apparently neutral arrangements. It can be the result of activities or arrangements that set out to discriminate or harm, or it can result from ignorance or inadvertence. Thus, sexism can be intentional or unintentional; it may be detected by its effects.

Gender Identity

Gender identity is the deeply felt knowledge of an individual that they are male or female; in transgendered persons, the gender identity and the anatomic sex may not be in alignment. Sexual orientation is not an indicator of gender identity. It is the expression of gender identity that results in discrimination because that expression is perceived as conflicting with the expectations placed upon the individual solely because of the form of his or her body, particularly its sexual characteristics. (Adapted from *Findings and Recommendations* of the San Francisco Human Rights Commission [1994], included as Appendix C in *Finding Our Place*, High Risk Society Project [Vancouver 1996].)

IV.3 SEXUAL ORIENTATION EQUALITY POLICY

Preamble

This Policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, sections 1, 5 and 11 of the *Ontario Human Rights Code*, and the *University Statement on Conduct and Human Rights*.

Statement of Principles

1. Carleton University respects the dignity of all individuals and strives to enhance their ability to fully participate in education and employment at the University regardless of their sexual orientation. Equality and the recognition of diversity on the basis of sexual orientation among faculty, students, staff and associated professionals are sources of human excellence, cultural enrichment and social strength. The University recognizes that a harmonious climate in relation to sexual orientation is essential to the academic, professional and personal development of all of its members.
2. The University recognizes that lesbians, gay men, and bisexuals have suffered discrimination and harassment (including social, political, legal and economic disadvantage and exclusion; and violence, stigma, denigration and intolerance) within a society whose institutions, rituals and systems of support and recognition have given primacy to majority heterosexual sexual orientation. An environment that accepts and supports the equal value and equality of lesbians, gay men and bisexuals challenges and helps to eliminate such discrimination and harassment as impediments to accessible education and full participation in employment.

Policy

3. Every member of the Carleton University community has the right to study, work and live in an environment free of discrimination or harassment on the basis of sexual orientation.
4. The University endeavours to provide a responsive and open environment that is safe for, and inclusive of, lesbian, gay and bisexual members of the University community. The University does not tolerate or condone heterosexism or negative stereotyping on the basis of sexual orientation. The University is committed to achieving the prevention of such behaviours and practices through addressing policies and practices that, while not intentionally discriminatory, have a discriminatory effect; and educating and informing all members of the University community on issues associated with sexual orientation.
5. The University prohibits discrimination and harassment, including conduct on the basis of sexual orientation or perceived sexual orientation that:
 - 5.1 Is abusive, demeaning or threatening, including behaviour such as name calling; derogatory remarks, gestures and physical attacks; or display of derogatory or belittling pictures and graffiti; or

- 5.2 Biases administrative and appointment decisions, employment and workplace practices, tenure, promotion, appointment, leave and salary determinations; or
- 5.3 Biases academic decisions such as admission, grading, the application of regulations and requirements and scheduling of academic activities; or
- 5.4 Misuses power, authority or influence; or
- 5.5 Discriminates in the provision of goods and services, or access to premises, accommodation and other facilities.

6. The University includes same-sex relationships within the meaning of spousal and family relationships in interpreting and applying all policies within its jurisdiction.

Implementation

8. The Office of Equity Services is responsible for the effective implementation of this policy. It maintains expertise on issues related to sexual orientation. The Office is able to provide service directed to monitoring and providing information, education, training and advice on all aspects of this policy. The Office does not advocate for any individual or group and maintains an impartial stance in addressing complaints of discrimination and harassment on the basis of sexual orientation. The expertise and experience of members of the Equity Services unit are available to all persons who are involved with a complaint under the University's Human Rights Policies and Procedures.

9. Pending implementation of a human rights audit process, the Office of Equity Services reports to the University Community on an annual basis on issues related to sexual orientation and, once every five years, conducts a major review of the status of progress towards attaining a responsive and open environment that is safe for and inclusive of lesbian, gay and bisexual members of the University community.

Problem Solving

10. A person who believes they have been discriminated against or harassed on the basis of sexual orientation or perceived sexual orientation may initiate a request for action or complaint through the Human Rights Conflict Resolution and Complaint Procedure. Discrimination and harassment can occur on the basis of one or more intersecting human rights grounds

Definitions

Sexual Orientation

Sexual orientation is an important aspect of an individual's psychological, sexual and relational identity. A shared social and cultural identity as gay, lesbian, bisexual or heterosexual, of which sexual expression is but a part, underlies sexual orientation in our society. Sexual orientation functions in a way similar to religion or ethnicity in organizing people's social and emotional lives and their self-definition. Sexual orientation is not defined by sexual practices.

Harassment on the Basis of Sexual Orientation

The concept of “gender harassment” is meant to permit redress where a person is harassed on the basis of his or her sexual orientation but the conduct is not sexual or does not take place in a sexual context. Harassment on the basis of sexual orientation would include physical assault or interference; inappropriate display or transmission of degrading material or graffiti directed against gays, lesbians or bisexuals; as well as anti-gay jokes, anecdotes, slurs (including derogatory nicknames) or comments—insulting, demeaning or derogatory toward a person because of sexual orientation—that are obviously offensive or continue after the speaker is informed that the comments are unwelcome and/or have caused offense.

Heterosexism

Heterosexism is more than personal prejudice; it involves carrying into effect one's prejudices, resulting in discrimination, inequity and/or exclusion. Heterosexism is understood as the negative valuing and discriminatory treatment of individuals and groups on the basis of their actual or perceived sexual orientation as lesbians, gay men or bisexuals. Heterosexism can be manifested in both personal attacks and insults and in the structure of social institutions. It can be expressed in the behaviour of individual members of the University community and in the policies, procedures and practices of the University. There is a distinction between personal heterosexism (insults, harassment and discrimination directed at individuals) and institutional or systemic heterosexism (the conventional practices or structures of institutions that have the effect of excluding or discriminating against individuals or groups). Heterosexism can be present in hostile acts, as well as in apparently neutral arrangements. It can be the result of activities or arrangements that set out to discriminate or harm, or it can result from ignorance or inadvertence. Thus, heterosexism can be intentional or unintentional; it may be detected by its effects.

Homophobia

Homophobia refers to the expression of fear, hatred or dislike, including practices of prejudice, discrimination, harassment and violence (including gay bashing), based on heterosexism.

IV.4 SEXUAL HARASSMENT PREVENTION POLICY

Preamble

This Policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, section 7 of the *Ontario Human Rights Code*, and the University's *Statement on Conduct and Human Rights*.

Principles

1. In Canada, sexual harassment is recognized in both federal and provincial human rights legislation as a form of discrimination. Some forms of sexual harassment (e.g., sexual assault) are also criminal offences. Sexual harassment violates personal integrity, the dignity of individuals and groups, and fundamental rights.
2. Carleton University is committed to maintaining a study, work and living environment that is free from sexual harassment and inappropriate sexual conduct.
3. This Policy is not intended to interfere with ordinary social or personal relationships among members of the University community or impinge upon normal expectations of privacy. Consensual relationships are not examples of sexual harassment but disclosure may be required as specified below.

Sexual Harassment

4. Carleton University prohibits sexual harassment by any member of the University community in any circumstance over which the University has jurisdiction.
5. Sexual harassment can occur between individuals of the same or different status, and both men and women can be the subject of harassment by members of either gender. Sexual harassment generally involves engaging in a course of conduct but it can also occur during one incident.
6. Sexual harassment occurs when an individual engages in sexually harassing behaviour or inappropriate conduct of a sexual nature that is known, or ought reasonably be known, to be unwelcome, and that:
 - 6.1 Interferes with the academic or employment performance or participation in a University-related activity for the person harassed; and/or
 - 6.2 Is associated with an expressed or implied promise of employment-related or academic-related consequences for the person harassed (including reward, reprisal or conditions of study or employment); and/or
 - 6.3 Provides a basis for academic or employment decisions affecting the person harassed; and/or
 - 6.4 Creates an abusive, demeaning, or threatening study, work or living environment for the person harassed; and/or

6.5 Excludes the person harassed from rights and/or privileges to which they are entitled.

7. Sexually harassing behaviour may be physical, verbal or psychological. It may be conveyed directly or by telephone, writing or electronic means. Examples of inappropriate sexual conduct include:

- 7.1 Unwelcome sexual solicitations, flirtations or advances; sexually suggestive comments, gestures, threats or verbal abuse;
- 7.2 Sexual assault which includes unwarranted touching or physical contact of a sexual nature, coerced consent to sexual contact;
- 7.3 Inappropriate display or transmission of sexually suggestive or explicit pictures, posters, objects or graffiti;
- 7.4 Leering, compromising invitations, or demands for sexual favours;
- 7.5 Degrading, demeaning or insulting sexual comment or content, including unwelcome remarks, taunting, jokes or innuendos about a person's body, sexuality, sexual orientation or sexual conduct;
- 7.6 Misuse of position or authority to secure sexual favours;
- 7.7 Persistent, unwanted attention or requests for sexual contact after a consensual relationship has ended; or
- 7.8 A course of sexualized comment or conduct that interferes with the dignity or privacy of an individual or group.

Required Disclosure of Certain Sexual Relationships

8. The University recognizes that, within its community, power differences exist between and among faculty, staff, students and associated professionals. The University strongly discourages sexual relationships between individuals in positions of authority (such as faculty, instructional staff, managers or supervisors, and athletic staff), and the students or employees whose performance they are responsible for grading, supervising or evaluating. These relationships may lead to significant problems including allegations or charges of sexual harassment, conflict of interest, or questions regarding the validity of consent.

9. Accordingly, the University requires timely disclosure of such relationships by the individual in the position of authority to his or her Dean (in the case of academic units) or his or her Director (in the case of administrative or technical units).

10. No individual in a position of authority is permitted to grade or supervise the performance of any student, or evaluate an employee or a colleague, with whom they are sexually involved or have been within the past five years. Where an individual has been involved in such a relationship, he or she must remove themselves from the grading or supervising role and request the assistance of his or her Dean (in the case of academic units) or his or her Director (in the case of administrative or technical units) to make appropriate, alternative arrangements.

11. A person who considers that a grade, supervision or evaluation has been affected by the existence of a current or former sexual relationship with an assessor may appeal in writing to his or her Dean (in the case of academic units), his or her Director (in the case of administrative or technical units) or his or her Vice-President. After inquiry, the Dean, Director or Vice President may direct that the decision be set aside and order reassessment.

Implementation

12. The Office of Equity Services is responsible for the effective implementation of this policy. It has the expertise to monitor and provide information, education, training and advice on all aspects of this policy. This Office does not advocate for any individual or group and maintains an impartial stance in addressing complaints of sexual conduct and harassment. The expertise and experience of members of the Equity Services unit are available to all persons who are involved with a complaint under the University's Human Rights Policies and Procedures.

Problem Solving

13. A person who believes they have been sexually harassed or sexually assaulted has a number of options for handling the immediate situation. These include contacting University Safety, Equity Services, Health and Counselling Services or laying a complaint with the Ontario Human Rights Tribunal. In the case of a sexual assault, a person may also choose to contact the police.

14. A person who believes they have been sexually harassed may initiate a request for action or complaint through the Human Rights Conflict Resolution and Complaint Procedure.

Definitions

Sexual assault: any unwanted contact of a sexual nature imposed by one person upon another.

Sexual Harassment: Any unwanted attention of a sexual nature – which can include comment or conduct- that is known or ought reasonably to be known to be unwelcome.

PART V
HUMAN RIGHTS CONFLICT RESOLUTION AND COMPLAINT PROCEDURES

Preamble

These Procedures support the University's *Statement on Conduct and Human Rights*, its specific human rights policies, and its commitment to provide an expeditious and procedurally fair and just internal dispute resolution process for human rights problems and complaints.

Principles

1. The University has a legal responsibility to take reasonable steps to prevent discrimination and harassment and to provide procedures to resolve problems and handle complaints.

1.1 Human rights policies and conflict resolution and complaint procedures are remedial in nature.

1.2 The purpose of action where a complaint is upheld is to achieve compliance with the University's human rights policies in respect of the complaint and future practices and to provide appropriate remedies for damage arising out of the infringement of the complainant's rights.

1.3 When the University becomes aware of the problem, particularly in the case of harassment complaints, it is responsible to take whatever sanctions or steps are necessary or reasonably available to prevent any further continuation or repetition of the infringement of the right.

2. These procedures are to be interpreted, administered and applied in conformity with the principles of procedural fairness and natural justice. In particular:

2.1 All parties are to be advised of the provisions of applicable policies and procedures available to them.

2.2 Any person who wishes the University to assist him or her to resolve his or her complaint through mediation or investigation must be prepared to be identified to the respondent.

2.3 All allegations in a formal complaint pertaining to a respondent must be disclosed as soon as practicable, including all relevant allegations of fact, so that the respondent has the opportunity to respond fully to the complaint made against them.

2.4 All parties must be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of harassment and discrimination.

2.5 Any party may object to the participation of a person in these procedures on the grounds of conflict of interest or reasonable apprehension of bias. If the objection is not resolved locally, it may be referred in writing to the University Secretary, whose decision will be final.

3. All parties are entitled to support and assistance during these procedures. In particular:
 - 3.1 The expertise and experience of members of the Equity Services unit are available to all persons who are involved with a complaint under the University's Human Rights Policies and Procedures.
 - 3.2 Members of unions have all the rights of representation that their collective agreements confer.
 - 3.3. Parties are not entitled to be present or have representatives present during the investigation or interviews of witnesses other than their own interviews.
 - 3.4 Parties may be accompanied at all times by legal counsel or a support person of their choice or the University Ombudsperson or a union representative. It is the responsibility of each party to ensure that his or her representative, if any, attends scheduled meetings.
 - 3.5 Complainants or respondents who retain legal counsel or incur costs related to representation or support are responsible for their own costs.

4. Members of the University community are encouraged to participate in the Human Rights Complaint Procedures to facilitate full inquiry and fair, appropriate and expeditious resolution of problems and complaints. Refusal by a party to participate in the investigation of a complaint may prejudice the investigation and expose the University to liability. A party who refuses to participate in an investigation may forfeit any possible University support in related external proceedings where, in the opinion of the responsible University officer, there are no reasonable grounds for the refusal.

5. The University considers action to resolve human rights problems and complaints to be a matter of administrative priority.
 - 5.1 Standard time frames are included in these procedures. Variation from these time frames must be agreed to by the parties and the responsible University officer. If a dispute arises concerning variation, it shall be referred in writing to the University Secretary, whose decision will be final. The University Secretary will normally render his or her decision no later than 14 days after a matter has been appealed or referred for decision.
 - 5.2 Time is counted from the day after receipt and the latest time on a day for action is 4.30 p.m. (e.g., if response is required "no later than seven days after receipt" and a document is received on a Tuesday, response is due on or before 4.30 p.m. the following Tuesday). Should the deadline fall on a statutory holiday, a Saturday or a Sunday, it is moved to the first following business day. When a document is sent by regular mail, receipt is deemed to have occurred after two days (within Ottawa-Carleton) or three days (out of region).

Policy

Initial Contacts: Information and Advice

6. When a problem arises that may relate to a human rights issue, individuals are strongly encouraged to seek information and advice from an Equity Advisor in the Office of Equity Services, from the Dean or Vice-President responsible for their area (or their designates), or from their Chair or Director.

7. When initially consulted, the role of the contact is to provide assistance in considering the applicability of various human rights policies and options, to clarify allegations and their related consequences, and to make referrals as appropriate to other services and offices of the University. The contact person should also provide a copy of the relevant human rights policy or policies and these procedures or a referral to them on the University Web site.

Request for Action

8. Where an individual who is directly affected by the conduct or behaviour at issue wishes to pursue resolution of the problem as a human rights matter, he or she must contact an Equity Advisor or the Dean or Vice-President responsible for his or her area. In the first instance, an effort will be made to reach an informal resolution. Mediation will also be available with the consent of both parties. An individual may also make a formal written complaint of discrimination and harassment if he or she wishes the matter to be investigated and a formal decision made on the matter. Specific procedures for each option are outlined below.

9. A request for action should be made no later than 12 months after the last alleged incident of discrimination or harassment. Upon application in writing, the University Secretary may, in exceptional circumstances, grant an extension of the 12-month deadline for a request for action.

10. A request for action or complaint may be made in relation to activities or interaction related to the functioning of the University (whether on or off campus, during or after University hours) or that take place on the property of the University. Any member of the University community, any person whose place of employment is at the University, or any person who is visiting the University may make a request for action or a complaint against any member of the University community or any person whose place of employment is at the University. Where the respondent is not a student or employee of the University, the matter may be referred for determination to the Vice-President (Finance and Administration).

11. Before proceeding on an individual's request for action by the University, the responsible University officer or his or her delegate of equivalent authority will consider (i) the timeliness of the complaint; (ii) the jurisdiction of the University; (iii) whether the

University human rights policies or procedures appear to apply to the situation; and (iv) whether the complaint is frivolous or vexatious. Before finalizing a decision not to proceed on any of these bases, he or she will confer with the Director of Equity Services. A determination not to proceed is to be communicated in writing to the individual concerned (and to the respondent if he or she has been informed of the request for action or complaint) with referral as appropriate to other relevant University offices or services. Such a determination may be appealed in writing within 30 days to the University Secretary except in case of issues of academic freedom, in which case appeal is to the Office of the Provost and Vice-President (Academic).

12. The responsible officer will also consider whether the request for action or complaint arises from a systemic problem or is part of a pattern of incidents or conduct, and, if so, will seek the assistance of the Director of Equity Services.

13. A frivolous request for action or complaint is one that is trivial and without serious content. A vexatious request for action or complaint is one that is primarily intended to vex, harass or harm the respondent rather than secure a remedy. A frivolous or vexatious request for action or complaint does not refer to a complaint that primarily appears to be made in good faith and in the belief of truth. When a request for action or complaint is determined to be frivolous or vexatious, it is forwarded for consideration of discipline to the appropriate University official and to the confidential files of Equity Services.

14. In the instance that the person requesting action only seeks redress from the University, alleging that the University itself has failed to provide a safe, non-hostile environment, the matter shall be referred to the President, who may direct an investigation and order any relief that he or she deems fit, providing written reasons for this decision to the complainant.

15. A person requesting action or making a formal complaint under these procedures may withdraw his or her request at any time, subject to provisions related to subsequent provisions related to remedies or discipline where a complaint is withdrawn. A request for action that is not resolved by informal resolution or mediation and that does not proceed to formal complaint is considered withdrawn at the end of 12 months' inactivity. The University may, in its discretion, decide to continue or initiate a complaint as specified below.

Interim Measures

16. When a University official is made aware of a problem involving human rights issues, he or she is required to assess the risk to the individuals and units involved. Where he or she considers it warranted, he or she may order or recommend that the appropriate University officer order immediate interim measures to protect the safety, academic or employment interests of the complainant or respondent pending resolution of the matter. Where there is an allegation of a serious criminal offence, the matter will be brought to the attention of University Safety for referral to the police. After consultations with the police, the responsible officer will make a decision concerning internal procedures.

17. Interim measures are not to be viewed as judgement of the credibility of the complainant or respondent or disposition of the complaint. They may be appealed by either the complainant or the respondent to the President, whose decision on the propriety of the interim measures will be final, or they may be grieved pursuant to the provisions of the applicable collective agreements.

Informal Resolution

18. Informal resolution is a resolution to which the person who is directly affected by the incident or conduct in issue consents and is arrived at with the assistance of an Equity Advisor.

19. The possible means of achieving informal resolution are numerous. Some examples include: advice to the person; referral to support services; informal inquiry by the Equity Advisor and, with the consent of the person, discussion of the matter with the individual whose conduct is in issue in order to seek a mutually acceptable resolution (the identity of the person affected would not necessarily be identified to the individual whose conduct is in issue at this stage); a letter to the individual whose conduct is in issue by the person affected; or a direct meeting between the person affected and the person whose conduct is in issue.

20. Informal resolution can occur without the knowledge of anyone except the individual requesting action and the Equity Advisor. However, no informal resolution of a problem that may adversely affect the academic, employment, professional, or other interests of the respondent, or which has the potential to identify them, shall proceed without the knowledge of the respondent.

21. If an informal resolution is possible, the Equity Advisor will prepare a confidential written report of the matter and the outcome and forward it to the Director of Equity Services, to be kept in the confidential files of Equity Services. This report does not constitute a finding on the facts or merits of the complaint nor is it a judgement on the conduct in question or the credibility of the individuals involved.

Mediation

22. At any time after a request for action has been made, the parties may attempt to resolve the problem through a process of mediation with the consent of both parties. Before making a decision about mediation, the parties are strongly encouraged to consult individually with staff at Equity Services with respect to the process of mediation, assessment of the appropriateness of proceeding to mediation, what mediation can offer, and the consequences of moving beyond mediation.

23. Requests for mediation made in the context of a human rights issue shall be directed to Equity Services. If the parties wish to access a mediation service off campus they do so at their own expense and the terms of any agreement remain subject to the provisions of this policy. A mediation process should be completed no later than 21 business days after its commencement.

24. Where agreement to resolve the matter is reached in mediation, the terms of the agreement are written out, signed by the complainant and respondent, and countersigned by the mediator(s). If a potential settlement entails action to be taken by the University or affects its interests, the University becomes a third party to the mediation. In this case, the University Secretary must also agree to and sign the terms of the settlement in order for there to be a settlement.

25. A copy of any agreement reached during mediation is provided to the signatories and is also forwarded to the Director of Equity Services, to be retained in the confidential files of Equity Services.

26. No information generated in a mediation process is admissible in any subsequent University proceedings unless authorized by the complainant and respondent. Similarly inadmissible is any disclosure in such proceedings of what took place during a mediation, the terms of a mediation agreement, or the fact of whether a person agreed or refused to participate in a mediation, unless authorized by the complainant and respondent. The mediator is expected to destroy records and notes within his or her control relating to what took place during mediation.

Formal Complaint

27. At any time after a request for action has been made and informal resolution attempted with the assistance of an Equity Advisor, a formal written complaint may be made to the appropriate designated University official, who becomes the complaint manager (a current list of designated officials is appended to these policies for information).

28. A formal written complaint must disclose the identity of the person making the complaint (the complainant) and the person whose conduct or action is complained about (the respondent). It must provide a full and detailed account of the conduct, action or

incident that forms the factual basis of the complaint, identify the policy or policies relied upon, and include a statement about desired resolution. Additional allegations not contained in the original formal complaint may only be made in writing; the respondent must be informed of them and be given an opportunity to respond to them.

29. No later than seven days after receipt of a formal complaint, the complaint manager will notify the respondent in writing of the complaint and provide him or her with a summary of all allegations made, the identity of the complainant, and a copy of the relevant policy or policies. The respondent has a right (but is not obliged) to respond in writing to the complaint and should do so no later than 14 days after being notified. The respondent may acknowledge or deny the validity of the allegations in whole or in part, provide new information, or propose a resolution of the complaint.

30. No later than seven days after receipt of a written response by the respondent, the complaint manager will forward a written summary of it to the complainant. The complainant has a right (but is not obliged) to respond and should do so in writing no later than seven days after receiving the summary. He or she may accept the response as a full resolution to the complaint, request additional efforts at informal resolution or mediation with the assistance of an Equity Advisor, or affirm all or some of the allegations made in the complaint. No later than seven days after receiving a complainant's response, the complaint manager will inform the respondent of any allegations withdrawn by the complainant and provide a written summary of the complainant's response.

31. No later than seven days after this exchange of documentation is completed, or, in the absence of responses or resolution within the time frames provided, the complaint manager will assess the file, make a determination as to whether the complaint should be investigated, and communicate this decision, in writing, to the parties.

32. If a decision is made not to investigate a complaint, the complaint is considered dismissed and the file closed. This decision can be appealed in writing to the President, whose decision will be final.

Investigation of a Formal Complaint

33. When a decision is made to investigate a formal complaint, the complaint manager will ask the University Secretary and General Counsel to appoint an investigator. An investigator will normally have experience in administrative and human rights law. It is expected that investigators will have appropriate training and experience to conduct an investigation. An investigator may be assisted, as appropriate, by associates who are similarly bound by the terms of these procedures. To the extent provided by law, an investigator's notes are privileged and cannot be compelled in any other proceeding. Investigators are expected to maintain strict professional confidentiality before, during and after their investigation and report.

34. An internal investigation may be conducted in the following circumstances:

34.1 Where the facts at issue are simple and straightforward or where the alleged offence, if proven, would warrant only relatively minor remedial action, the investigation may be conducted by the complaint manager (or designate).

34.2 Where the complaint has also been submitted to the Ontario Human Rights Commission, the investigation will be conducted by the person responsible for preparing the University's responses to that complaint (or designate).

34.3 Where an employee of the University is to conduct an internal investigation, he or she will consult with the University Secretary and General Counsel with respect to the procedures to be followed.

35. Either party to a complaint may object to the University Secretary and General Counsel about the choice of investigator on the grounds of conflict of interest or reasonable apprehension of bias. The University Secretary and General Counsel's decision on such an objection will be final.

36. The complaint manager provides the investigator with terms of reference for the investigation, including time frames and copies of the complaint file (including the formal complaint, responses and summaries exchanged), the applicable human rights policy or policies, these procedures, and a copy of the *Guidelines for Investigation* (a copy of the current guidelines is appended to these policies for information). Normally, an investigation will be initiated no later than 14 days after the appointment of an investigator.

37. At any time, the investigator may recommend to the complaint manager that the investigation be amended, adjourned, or terminated. If either the complainant or respondent refuses to co-operate with the investigator, the investigator should so advise the complaint manager and may continue the investigation or recommend that the investigation be terminated. The complaint manager may invite submissions from the parties on any such recommendations and will decide how to proceed. His or her decision will be final.

38. No later than 30 days after the commencement of the investigation, the investigator should prepare a draft report (that does not identify witnesses) and advise the complaint

manager that is has been prepared. The investigator should then send the draft report to the complainant first. The complainant has a right (but is not obliged) to respond and should do so no later than seven days after receiving it. Together with the comments of the complainant (if any), the draft report is then sent to the respondent. The respondent has a right (but is not obliged) to respond to this documentation and should do so no later than 14 days after receiving it. Prior to concluding this draft report stage, the investigator should send a copy of the respondent's comments (if any) to the complainant, who may respond to them no later than seven days after receiving them.

39. The investigator should submit a final written report to the complaint manager no later than 14 days after receiving responses (if any) to the draft report. The final report will include an opinion on the facts as found in the investigation, disputed and undisputed, taking into account any responses to the draft report, and concluding based on a neutral assessment of the evidence whether, if those facts are proven, there has been a violation of the applicable University policy or policies. The investigator will not make any recommendations as to remedy or discipline. The final report is prepared on a confidential basis for the complaint manager and the University.

Decision on a Formal Complaint

40. No later than 14 days after receiving the investigator's final report, the complaint manager will forward a written summary of it to the parties, together with an invitation to meet with each of the parties separately to discuss the content of the report.

41. At his or her discretion, but particularly if new and relevant information arises that has not been investigated, the complaint manager may request one or more supplementary reports from the investigator. Summaries of such reports are to be forwarded by the complainant manager to the parties, who may submit written responses to them within timelines specified by the complaint manager.

42. No later than 14 days after concluding the process of investigation and discussion with the parties, the complaint manager may request a record of any previous discipline related to human rights violations and will make a determination upon the following:

42.1 Whether a University human rights policy applies in the circumstances and whether other University policies or procedures bear on the substance of the complaint;

42.2 Whether, using the civil standard of proof on the balance of probabilities, with the burden of proof being on the complainant, there has been a violation of University policy;

42.3 Whether, if a human rights policy has not been violated, the conduct that forms the basis of the complaint amounts to misconduct by the respondent; and

42.4 Whether discipline or remedies, as outlined below and consistent with any applicable collective agreements, are appropriate. Where suspension, dismissal or expulsion are to be considered, the complaint manager must determine that there is clear and convincing evidence of misconduct by the respondent.

43. Prior to making final recommendations as to disposition of the complaint, the complaint manager will provide the complainant and respondent with an opportunity (within specified time lines) to make submissions concerning the appropriate discipline or remedy and to reply to the other party's submission.

44. The complaint manager's decision on disposition of the formal complaint is communicated in writing to the parties and forwarded to the appropriate University office(s) responsible for implementation.

45. When the matter is closed, the complaint file (including the investigation file and record of disposition of the complaint) is forwarded to the Director of Equity Services, to be retained in the confidential files in the Office of Equity Services. If discipline is imposed, a record will be placed in the personnel or student file, consistent with University policy.

Remedies or Discipline Where a Complaint is Upheld

46. Where a complaint has been upheld, the complainant may request that appropriate remedial measures be taken to correct damage done to his or her career development, academic progress, physical or emotional health, reputation or finances. The range of remedies may include but is not limited to: recommending an apology, reasonable restitution for substantiated professional, financial or academic costs, reinstatement, or safety measures. Such arrangements are negotiated with the University Secretary and approved by the President. Academic remedies must follow normal academic appeal processes.

47. Subject to the provisions of applicable collective agreements and University Personnel Policy, sanctions that may be considered where a complaint is upheld include a letter of reprimand, modification of responsibilities, suspension with or without pay, expulsion or dismissal. The University may also order that one party cease to have any contact with the other party, restrict access to University facilities and/or schedule the respondent to participate in discrimination or harassment awareness training.

48. Recommendations for discipline are to follow the concept of progressively severe discipline and should take all circumstances into consideration, including the following:

- 48.1 The severity of the violation;
- 48.2 Whether the violation was intentional or unintentional;
- 48.3 Mitigating or aggravating circumstances affecting either party;
- 48.4 Whether there was an imbalance of power between the two parties;
- 48.5 The respondent's record at the University; and
- 48.6 Sanctions applied in similar cases.

49. If a recommendation for discipline or remedy is considered appropriate, the complaint manager is responsible to ensure:

49.1 In the case of unionized employees, that discipline and remedies are consistent with the provisions of the appropriate collective agreement;

49.2 In the case of non-unionized staff, that discipline and remedies are consistent with the provisions of University Personnel Policy, Section D;

49.3 In the case of a student respondent, in lieu of alternative discipline or remedies accepted in writing by the student in resolution of the matter, that it is referred to the President who will review all the information and findings and decide whether or not the University shall conduct a hearing into the allegation before a University tribunal conducted pursuant to the *Bylaws of the Board of Governors of Carleton University*, No. 27 and 29(b).

50. Where disciplinary or other action is taken against a student or employee, the University may communicate that fact to the complainant and others in accordance with the University's Access to Information Policy.

51. Where the actions of persons who are not students or employees of the University are determined to be discriminatory or harassing, the Vice-President (Finance and Administration) may, at his or her sole discretion, issue an instruction that these individuals be prohibited from coming onto the property of the University for such period of time as he or she shall set.

Remedies and Discipline Where a Complaint is Dismissed or Withdrawn

52. In the event that a complaint is dismissed, the complaint manager may recommend support counselling, education, and such other measures as he or she considers appropriate for the complainant/and or the respondent. The complaint manager may also recommend appropriate measures to restore the complainant's or respondent's unit to effective functioning. Such recommendations are made in writing with reason to the parties. If the responsible officer contemplates finding that the request for action or complaint was made frivolously or vexatiously, he or she will meet with the complainant and provide an opportunity for the complainant to respond prior to making a decision.

53. Where a request for action or complaint is withdrawn, the responsible University office handling the matter at the time may recommend support counselling, education, and such other measures as he or she considers appropriate for the parties or to restore the effective functioning of his or her units. Such recommendations are made in writing and include reasons. If the responsible officer contemplates finding that the request for action or complaint was made frivolously or vexatiously, he or she will meet with the complainant and provide an opportunity for the complainant to respond prior to making a decision.

54. Where the responsible officer decides that a request for action or complaint has been made frivolously or vexatiously, he or she may recommend both a form of discipline for the complainant and a remedy for the respondent. Such recommendations are made in writing, with reasons, to the parties.

55. In cases where the complaint has been dismissed or withdrawn, the respondent may request that appropriate remedial measures be taken to correct damage done to his or her career development, academic progress, physical or emotional health, reputation or finances. The range of remedies may include but is not limited to: recommendation of an apology, reasonable restitution for substantiated professional, financial or academic costs, reinstatement, or safety measures. Such arrangements are negotiated with the University Secretary and General Counsel and approved by the President. Academic remedies must follow normal academic appeal processes.

56. In cases where it is determined that there has been no violation of University human rights policy, the University, if requested by the respondent, will issue a statement that there has been no violation of human rights policy by the respondent.

General Provisions

University Initiation or Continuation of Action or Complaint

57. The University, through the responsible Dean, the University Librarian or a Vice-President, may initiate these procedures or continue them even if the request for action or complaint has been withdrawn or the parties have reached a resolution through informal processes or mediation. This decision is taken in consultation with the Director of Equity Services and University Secretary and General Counsel.

58. The University will normally initiate or continue action or a complaint only where the alleged discrimination or harassment may have had a serious impact on the parties, where the case is important to the goals of the University, where the respondent has previously been the subject of substantiated complaint(s) of discrimination or harassment, or where concerns about a pattern of conduct exist as established from University records.

59. Where the University initiates or continues these procedures, the responsible Dean, University Librarian or Vice-President becomes the notional complainant and any rights or responsibilities assigned to him or her by these procedures are assumed by the individual to whom they report.

Confidentiality, Records and Use of Information

60. Allegations of discrimination and harassment, particularly sexual harassment, often involve the collection, use and disclosure of sensitive personal information. Confidentiality is required so that those who have been discriminated against or harassed will feel able come forward. Confidentiality is also required to protect the reputations and interests of respondents and of the units of which they are part. Accordingly, all members of the University community who are involved in a human rights complaint procedure are expected to maintain confidentiality, particularly within the work, study or living area in question and in shared professional and social circles. Any person breaching confidentiality may be subject to disciplinary or other appropriate action.

61. Subject to any exceptions provided in these Procedures and to the extent required by law, all written and oral information that is created, gathered, received or compiled through the course of a request for action or complaint is to be treated as confidential by both the respondent and complainant, their representatives, witnesses, and University officials. It may be used only for the purpose of resolving the issues raised by the request or complaint and only by those persons who are necessarily involved in the resolution of those issues.

62. Information concerning a complaint may be provided to appropriate University officials on a need-to-know basis. This may include situations where there are security or safety issues or cases involving repeat complaints or a pattern of related behaviour. Any person so informed shall be informed of the disposition of the complaint and is bound by confidentiality requirements.

63. Either party may discuss his or her case in confidence with his or her supervisor, legal counsel, support person, and/or union representative. Equity Advisors may discuss specific cases and their dispositions for educational purposes provided that no identifying information is disclosed.

64. All recorded personal information will be treated as “supplied in confidence” with respect to Access to Information policies. Where there are proceedings external to the University, such as civil or criminal proceedings, documents including notes and records may be compellable and may be required by law to be released.

65. Terms of confidentiality, including the need to disclose information that restores a unit to effective functioning, may be agreed upon in informal or mediation agreements or be part of a remedy ordered by the complaint manager.

66. The office of record for all documentation under the Human Rights Policies and Procedures is the Office of Equity Services.

Multiple Proceedings

67. Only one internal procedure can be conducted at a time in respect to the substance of a complaint.

68. A complainant may pursue procedures external to the University at the same time as pursuing these procedures. However, these procedures may need to be suspended while a process external to the University is completed. If so, the parties will be so advised by the University Secretary and General Counsel.

69. Where there are multiple complaints against an individual, group, unit or the University, the complainants shall clarify with the responsible officer or complaint manager whether the complaints comprise a systemic complaint or a series of individual complaints.

70. When two or more complaints have been lodged against the same respondent arising out of essentially the same conduct or incident, these complaints can be handled at the same time and by the same mediator and/or investigator unless the responsible officer concludes that prejudice might thereby result to the complainants or respondent.

Obstruction and Retaliation

71. The University considers retaliation or threat of retaliation to be a serious offence because it prevents potential complainants, witnesses and administrators from acting on their concerns.

72. Threats or other safety concerns should be reported immediately to an Equity Advisor, a member of University Safety, or the complaint manager who is expected to deal immediately with such allegations. When appropriate, an order may be made for the behaviour to stop and/or preventive interim, disciplinary, and/or remedial measures may be taken.

73. Any person whose action or inaction obstructs the application of these procedures or who breaks an undertaking of agreement will be subject to discipline. No one shall suffer reprisal for bringing forward, in good faith, a complaint or concern about discrimination or harassment or for refusing to violate University human rights policies and procedures. Any person who engages in retaliation or threat of retaliation shall be subject to discipline.

74. While respondents may exercise their legal rights to seek remedy for unjustified complaint in the civil courts, they are encouraged as members of the University community to first use these procedures to foster the likelihood of expeditious resolution and remedy.

Options Outside the University

75. The rights of civil or criminal action, human rights complaint, grievance and rights of appeal held by members of the University community independent of these human rights policies and procedures remain in full force and effect.

76. Where a remedy is accepted in resolution of a complaint, through informal means, mediation or following a formal investigation, the party accepting the remedy signs a release to the University and waives other remedies.

77. Where an employee is the respondent of a complaint to an external agency (such as the Ontario Human Rights Tribunal) as the result of the lawful performance of his or her duties, the University will pay for and conduct the defence on behalf of the employee. Information on University process in the case of external complaints is attached to these policies for information.

PART VI

Systemic Issues

SYSTEMIC HUMAN RIGHTS ISSUES POLICY

Preamble

This Policy supports Carleton University's commitment to sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*, sections 1, 5 and 11 of the *Ontario Human Rights Code*, and the University's *Statement on Conduct and Human Rights*.

Principles

1. The University recognizes that systemic discrimination and a “chilly climate” may subsist in aspects of the University's culture, habits, decisions, practices and policies that are part of its employment or institutional systems.
2. The University accepts that it has an obligation to provide an environment that encompasses diversity, secures inclusivity, and guarantees safety and security in order to sustain high morale and loyalty, maximize productivity for work and study, and promote academic excellence and collegial relationships. Factors that prevent or inhibit such an environment, arising from systemic discrimination or harassment, are detrimental to the entire well-being of the institution and its members.
3. Systemic discrimination is understood to arise from a combination or interaction of aspects of the University's culture, habits, decisions, practices and policies rather than due to isolated or discrete instances of discrimination, harassment or misconduct. A systemic problem is seen to exist if a barrier or obstacle to participation in the University affects members of the University community in a disproportionately negative way that is not clearly related to employment or program requirements, or if an individual's or a group's rights to generally available opportunities are limited because of attributed rather than actual characteristics.

Policy

4. Every member of the Carleton University community has the right to study, work and live in an environment free of systemic discrimination or harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, political affiliation or belief, sex, sexual orientation, gender identity, age, marital status, family status or disability as defined in the *Ontario Human Rights Code*.

Implementation

5. Responsibility for implementation of this policy is vested in the President. As necessary, he or she may appoint a Systemic Human Rights Issues Committee composed of faculty members, administrative staff and students, and a Chair. The Chair and members of the Committee shall be chosen for their human rights expertise and their knowledge of the University's systems of administration and academic governance.

Problem Solving

6. The Committee is convened on an as-needed basis, as determined by the President to:

- 6.1 Inquire into systemic, or group-based, human rights issues;
- 6.2 Provide policy advice to the President on issues related to discrimination and harassment, including systemic discrimination and the implementation and operation of University human rights policies

7. In conducting its work, the Committee may:

- 7.1 Consult with members of the Carleton community affected by the issue, and with persons or bodies that are in a position to assist with resolution of the issues;
- 7.2 Gather information regarding the issue from University and external sources, as appropriate;
- 7.3 Make recommendations to the President for resolving the issue, including where appropriate recommendations regarding the involvement of, or referral of the issue to, other persons or bodies whose action, cooperation or approval maybe useful or necessary for resolution to be achieved, including initiation of the Human Rights Conflict Resolution and Complaint Process; and/or
- 7.4 Determine that no action on the part of the University is warranted.

8. The Committee reports to the President.

PART VII*Review***MONITORING, EVALUATION AND AUDIT PROCEDURES**

As per Carleton University's Policy Procedure automatic review of policy every 5 years.

APPENDICES

**APPENDIX 1: Designated Complaint Managers with Respect to
Formal Complaints of Harassment or Discrimination**

APPENDIX 2: Guidelines for the Investigation of Formal Complaints

APPENDIX 1**Designated Complaint Managers with Respect to Formal Complaints of Harassment or Discrimination (Human Rights Conflict Resolution and Complaint Procedures)****Designated Complaint Managers**

1. The Dean of the Faculty (or designated Associate Dean) of the program in which a student respondent has been admitted or in which an academic unit is located in the case of an employee respondent assigned to an academic unit.
2. The Assistant Vice President (University Services) in the case of a student respondent in residence where the circumstances pertain to residence life.
3. The University Librarian in the case of an employee assigned to work in the Library.
4. The Vice-President responsible for the administrative unit in the case of an employee respondent assigned to an administrative unit.
5. The Vice-President (Finance and Administration) in the case of an employee respondent assigned to work in the Office of the President, save and except for the President.
6. The Office of the Provost and Vice-President (Academic) in the case of an employee respondent holding the office of Dean, or University Librarian.
7. The President, in the case of an employee respondent holding the office of Vice-President.
8. The Chair of the Board of Governors, in the case of the President as respondent.
9. The head of the academic or administrative unit in which the complainant is located, as specified above, in cases where the identity of the person or persons responsible for the alleged acts of harassment or discrimination is unknown.

APPENDIX 2**Guidelines for Investigation of Formal Complaints
(Human Rights Conflict Resolution and Complaint Procedures)****Conflict of Interest**

1. The independence of an investigation is of paramount importance. Potential investigators are held to a strict standard of disclosure of conflict of interest. They are expected to disqualify themselves from an investigation in any circumstance giving rise to a potential conflict of interest. This includes personal acquaintance with either party or potential key witnesses, previous consultation or consideration with respect to the substance of the complaint and response, or recent or current association with the unit of either the complainant or respondent.

Terms of Reference for an Investigation

2. The designated University official handling the investigation will provide written terms of reference to the investigator which will address the following matters:

2.1 *The purpose of the investigation.* Normally the purpose of an investigation should be to determine what evidence would be available to the University to support the University's action in response to a complaint. The investigator's report is a fact-finding report without recommendation as to remedy or discipline.

2.2 *The scope of the investigation.* If the University wishes to limit the scope of the investigation in the interests (e.g., of timeliness or in light of the seriousness of the allegations) this fact should be specified in the terms of reference and reported in the interim and final report.

2.3 *The allegations to be investigated.* The complaint manager in consultation with the University Secretary may, after assessing the allegations, conclude that some of them, even if proven would not warrant any action by the University, and therefore need not be investigated.

2.4 *Disclosure of the allegations to the respondent.* All allegations pertaining to a respondent must be disclosed, whether they are to be investigated or not. They should be disclosed as soon as practicable and must include all relevant allegations of fact so that a respondent has an opportunity to respond fully to the complaint against him or her.

2.5 *Time limits* see **PART V** paragraphs 36 to 39.

2.6 *The nature of the evidence to be gathered and assessed.* Evidence may include written statements, documentary evidence, reports of oral statements, interviews.

2.7 *Expectations with respect to ongoing communications with the complainant and respondent.* In the case of a lengthy investigation, the complainant, respondent and complaint manager should be kept apprised by the investigator of the progress of the investigation.

2.8 *Reporting lines,* including the contact person for clarification of the terms of reference, expense and timeliness issues and other instructions.

Interviews and Witnesses

3. All interviews are to be conducted in private and away from the work, study or living area as appropriate to the complaint.
4. In the interests of timeliness it may not be possible to interview all persons who may have information relevant to the complaint or other circumstances may prevent interviews. Such limitations and their impacts should be reported in the investigator's interim and final reports.
5. Normally an investigator should be able to talk to potential witnesses to determine whether they have anything relevant to offer, and whether they would be available as witnesses. The investigator may also talk to people who provide leads for further investigation without providing relevant information themselves. It is not necessary to report all such communications in the interim or final report of the investigation.

The Report of the Investigation

6. The investigator is required to prepare a draft written report (which does not identify witnesses) and to send it to each party for response as specified in the Procedures.
7. The investigator will prepare also a final written report which should include all relevant information gained from interviews, documentation and other sources that supports or does not support the allegations. The investigator may include reports of oral statements, hearsay etc., so long as the nature of the statements is identified. The final report should normally include signed witness statements. The investigator may also include his or her assessments, with reasons, of the credibility of the evidence.
- 8. The final report is conclusive of the investigation. The notes of the investigation are not compellable in any internal proceedings.**